

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

AFFYMETRIX, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 04-901 JJF
	:	
ILLUMINA, INC.,	:	
	:	
Defendant.	:	

ORDER

WHEREAS, on July 7, 2006, Plaintiff filed a Motion For Summary Adjudication On Illumina's Third And Seventh Affirmative Defenses and Second Counterclaim (D.I. 272) contending that the doctrine of assignor estoppel precludes Defendant from challenging the validity of the '716 patent;

WHEREAS, on February 8, 2007, the Court held a pretrial conference at which it was determined that the issues for trial would be heard in three separate phases, with the invalidity issues to be addressed during the second phase in summer 2007;

NOW THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Motion For Summary Adjudication On Illumina's Third And Seventh Affirmative Defenses and Second Counterclaim (D.I. 272) is STAYED and the Motion is closed for administrative purposes. The Motion will be administratively opened for decision on June 15, 2007 in connection with the invalidity phase of the trial.

February 16, 2007

  
UNITED STATES DISTRICT JUDGE